

On the printed bill, delete everything after the enacting clause and insert:

" Section 1 That chapter 54-4 be amended by adding thereto a NEW SECTION to read as follows:

No person engaging in the business of payday loans or title loans may engage in any conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt. Such conduct includes:

- (1) The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person;
- (2) The use of obscene or profane language or language the natural consequence of which is to abuse the hearer or reader;
- (3) The publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency;
- (4) The advertisement for sale of any debt to coerce payment of the debt;
- (5) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number;
- (6) The placement of telephone calls without meaningful disclosure of the caller's identity."

86th Legislative Session – 2011

Committee: House Commerce and Energy

Wednesday, February 09, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Solum, Chair
P Conzet, Vice-Chair
P Willadsen
P Deelstra

P Greenfield
P Novstrup (David)
P Jensen
P Miller
P Hubbel
P Fargen
P Hawley
P Jones
P Kirschman

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman Solum.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 7, 2011

Moved by: Greenfield
Second by: Conzet
Action: Prevailed by voice vote.

MOTION: REFER HB 1172 TO HEALTH AND HUMAN SERVICES

Moved by: Solum
Second by: Fargen
Action: Prevailed by voice vote.

THE CHAIR DEFERRED HB 1238 UNTIL ANOTHER DAY

HB 1056: establish an additional time period during which fireworks may be sold and discharged and to revise certain provisions regarding county regulation of fireworks.

Presented by: Representative Patty Miller
Proponents: Kory Menken, self, North Sioux City
Dennis Anderson, self, North Sioux City
Don Lantis, self, Sioux Falls
Jim Hood, SD Retailers Association

MOTION: AMEND HB 1056

1056sa

On page 1, line 12, of the printed bill, delete "twenty-sixth" and insert "twenty-eighth".

On page 1, line 12, delete "second" and insert "first".

On page 2, line 9, delete "twenty-sixth" and insert "twenty-eighth".

On page 2, line 9, delete "second" and insert "first".

On page 2, line 12, delete "twenty-sixth" and insert "twenty-eighth".

On page 2, line 12, delete "second" and insert "first".

On page 2, line 15, delete "twenty-sixth" and insert "twenty-eighth".

On page 2, line 16, delete "second" and insert "first".

On page 2, line 21, delete "twenty-sixth" and insert "twenty-eighth".

On page 2, line 21, delete "second" and insert "first".

On page 3, line 4, delete "twenty-third" and insert "twenty-eighth".

On page 3, line 4, delete "second" and insert "first".

Moved by: Greenfield
Second by: Willadsen
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1056 AS AMENDED

Moved by: Deelstra
Second by: Jensen
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Solum, Conzet, Willadsen, Deelstra, Greenfield, Novstrup (David), Jensen, Miller, Hubbel, Fargen, Hawley, Jones, Kirschman

MOTION: PLACE HB 1056 ON CONSENT CALENDAR

Moved by: Deelstra
Second by: Hawley

Action: Failed by voice vote.

HB 1223: revise licensure fees for, and to prohibit certain harassment practices by, persons engaging in the business of payday loans and title loans.

Presented by: Representative Steve Hickey

Proponents: Senator Joni Cutler

Betty Oldenkamp, Lutheran Social Services

Opponents: Michael DeMersseman, Dollar Loan Center

Dan Henderson, Money Central Incorporated

Brett Koenecke, Commercial Financial Services Association

Mark Aguilar, Consumer Lending Alliance

Doug Abraham, SD Bankers Association

MOTION: DEFER HB 1223 TO THE 41ST LEGISLATIVE DAY

Moved by: Jensen

Second by: Greenfield

Action: Prevailed by roll call vote. (11-2-0-0)

Voting Yes: Solum, Conzet, Willadsen, Deelstra, Greenfield, Novstrup (David), Jensen, Fargen, Hawley, Jones, Kirschman

Voting No: Miller, Hubbel

HB 1224: provide a maximum finance charge for payday loans and title loans.

Presented by: Representative Steve Hickey

Proponents: Greg Boris, South Dakota Voices for Children

Senator Joni Cutler

Betty Oldenkamp, Lutheran Social Services

Opponents: Michael DeMersseman, Dollar Loan Center

Dan Henderson, Money Central Incorporated

Brett Koenecke, Commercial Financial Services Association

Mark Aguilar, Consumer Lending Alliance

Doug Abraham, SD Bankers Association

MOTION: DEFER HB 1224 TO THE 41ST LEGISLATIVE DAY

Moved by: Fargen

Second by: Greenfield

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1224

Moved by: Willadsen
Second by: Novstrup (David)
Action: Failed by voice vote.

THE MOTION TO DEFER HB 1224 TO THE 41ST LEGISLATIVE DAY

Moved by: Fargen
Second by: Greenfield
Action: PREVAILED BY ROLL CALL VOTE. (13-0-0-0)

Voting Yes: Solum, Conzet, Willadsen, Deelstra, Greenfield, Novstrup (David), Jensen, Miller, Hubbel, Fargen, Hawley, Jones, Kirschman

HB 1256: revise certain provisions regarding the sale of new or used vehicles and the sale of certain emergency vehicles.

Presented by: Representative Stace Nelson
Proponents: Harold Boer, Central States Fire App., Lyons SD

MOTION: DO PASS HB 1256

Moved by: Hawley
Second by: Hubbel
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Solum, Conzet, Willadsen, Deelstra, Greenfield, Novstrup (David), Miller, Hubbel, Fargen, Hawley, Jones, Kirschman

Excused: Jensen

MOTION: RECONSIDER HB 1033

Moved by: Greenfield
Second by: Deelstra
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Willadsen
Second by: Conzet
Action: Prevailed by voice vote.

Diane Mellan
Committee Secretary

Roger D. Solum, Chair